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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 RICHARD BREES,

9 Plaintiff,

10 v.

11 HMS GLOBAL MARITIME INC, et al.,

12 Defendants.

CASE NO. 3:18-cv-05691-RJB

ORDER

13 THIS MATTER comes before the Court *sua sponte*. The Court has reviewed the record
14 and is fully advised.

15 On October 25, 2019, the Court dismissed Plaintiff's 42 U.S.C. § 1983 claim against
16 Defendants Pierce County, Tiffany Garcia, and MaryBeth DiCarlo (collectively "County
17 Defendants") and ordered the parties to show cause, in writing, if any they have, why the Court
18 should not decline to exercise supplemental jurisdiction and dismiss without prejudice Plaintiff's
19 state law claims against County Defendants. Dkt. 108. The responses were due November 1,
20 2019. Dkt. 108. County Defendants filed a response arguing that the Court lacks subject matter
21 jurisdiction over Plaintiff's state law claims against County Defendants and that, alternatively, if
22 the Court has jurisdiction, the state law claims should be dismissed with prejudice. Dkt. 109.
23 Plaintiff did not file a response or otherwise show cause.


1 The Court should dismiss without prejudice Plaintiff's state law claims against County
2 Defendants. There remain no federal claims against County Defendants, so County Defendants
3 should be dismissed. Dismissal should be without prejudice because this Court has not reached
4 the merits of Plaintiff's state law claims. There remain pending two motions to compel discovery
5 against County Defendants (Dkts. 62 and 63) and part of County Defendants' Motion to Stay and
6 for Continuance (Dkt. 90; granted, in part, by the Court in Dkt. 97). Because the Court will
7 dismiss County Defendants from the case, these motions (Dkts. 62; 63; and 90) should be denied
8 without prejudice as moot.

9 **THEREFORE, IT IS HEREBY ORDERED** that:

- 10 • Plaintiff's state law claims against Defendants Pierce County, Tiffany Garcia, and
11 MaryBeth DiCarlo are **DISMISSED WITHOUT PREJUDICE**;
- 12 • Plaintiff's Motion to Compel Pierce County to Complete or Conduct Investigation
13 of Plaintiff's Claim (Dkt. 62), Plaintiff's Motion to Compel Pierce County
14 Defendants to Produce Email Requested under Public Records Act (Dkt. 63), and
15 Defendants Pierce County, Tiffany Garcia, and MaryBeth DiCarlo's Motion to
16 Stay and for Continuance (Dkt. 90) are **DENIED WITHOUT PREJUDICE AS**
17 **MOOT**.

18 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
19 to any party appearing *pro se* at said party's last known address.

20 Dated this 8th day of November, 2019.

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22 ROBERT J. BRYAN
23 United States District Judge
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